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SENATE BILL 263

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING THE PENALTY FOR  
HOMICIDE BY VEHICLE AND GREAT BODILY INJURY BY VEHICLE;  
AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-101 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 509, as amended) is amended to read:

"66-8-101. HOMICIDE BY VEHICLE--GREAT BODILY INJURY BY  
VEHICLE. --

A. Homicide by vehicle is the killing of a human  
being in the unlawful operation of a motor vehicle.

B. Great bodily injury by vehicle is the injuring  
of a human being, to the extent defined in Section 30-1-12 NMSA  
1978, in the unlawful operation of a motor vehicle.

C. [~~Any~~] A person who commits homicide by vehicle

underscored material = new  
[bracketed material] = delete

1 or great bodily injury by vehicle while under the influence of  
2 intoxicating liquor or while under the influence of any drug or  
3 while violating Section 66-8-113 NMSA 1978 is guilty of a  
4 [~~third~~] second degree felony and shall be sentenced pursuant to  
5 the provisions of Section 31-18-15 NMSA 1978, provided that  
6 violation of speeding laws as set forth in the Motor Vehicle  
7 Code shall not per se be a basis for violation of Section  
8 66-8-113 NMSA 1978.

9 D. [~~Any~~] A person who commits homicide by vehicle  
10 or great bodily injury by vehicle while under the influence of  
11 intoxicating liquor or while under the influence of any drug,  
12 as provided in Subsection C of this section, and who has  
13 incurred a prior DWI conviction within ten years of the  
14 occurrence for which he is being sentenced under this section  
15 shall have his basic sentence increased by two years for each  
16 prior DWI conviction.

17 E. For the purposes of this section, "prior DWI  
18 conviction" means:

19 (1) a prior conviction under Section 66-8-102  
20 NMSA 1978; or

21 (2) a prior conviction in New Mexico or any  
22 other jurisdiction, territory or possession of the United  
23 States when the criminal act is driving while under the  
24 influence of alcohol or drugs.

25 F. [~~Any~~] A person who willfully operates a motor

underscored material = new  
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1 vehicle in violation of Subsection C of Section 30-22-1 NMSA  
2 1978 and directly or indirectly causes the death of or great  
3 bodily injury to a human being is guilty of a [~~third~~] second  
4 degree felony and shall be sentenced pursuant to the provisions  
5 of Section 31-18-15 NMSA 1978. "

6 Section 2. EFFECTIVE DATE. --The effective date of the  
7 provisions of this act is July 1, 2003.

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